

**GOVERNMENT OF ANDHRA PRADESH**  
**A B S T R A C T**

Social Welfare — Appeal filed by Sri S.Krishna Mohana Rao against the proceedings, dated: 30-12-2008 of the District Collector, Visakhapatnam for Cancellation of the Scheduled Caste (Beda/Budaga Jangam) Certificate – Appeal rejected – Orders - Issued.

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**SOCIAL WELFARE (C.V-I) DEPARTMENT**

G.O.Ms.No. 70

Dated:29 -09-2010

Read the following:

1. Proceedings of the District Collector, Visakhapatnam, (M) R.Dis. No.194/2000/C5, dated: 30-12-2008.
2. From Sri.S.Krishna Mohana Rao, Appeal / Review Petition filed before the State Government of A.P. dated: 25-1-2009.
3. Govt., Memo. No. 1197/C.V-1/09-1, S.W.Dept., Dated: 26-02-2009.
4. From the District Collector, Visakhapatnam, (M) RcNo.1077/2010/C5, Dated: 09-05-2010
5. Govt. Telegram No. 1197/C.V-1/2009-4, S.W.Dept., Dated: 07-08-2010.

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**ORDER**

In the Proceedings 1<sup>st</sup> read above, the District Collector, Visakhapatnam has cancelled the Scheduled Caste (Beda/Budaga Jangam) Certificate obtained fraudulently by one Sri Srungarapu Krishna Mohana Rao of Visakhapatnam who is an employee of Naval Science & Technological Laboratory (NSTL), Government of India, Ministry of Defence (Defence Research & Development Organization).

2. Aggrieved by the Proceedings of the District Collector, Visakhapatnam, Sri Srungarapu Krishna Mohana Rao has filed an appeal petition before the Government u/s 7 (2) of the A.P. (SCs, STs &BCs) Regulation of Issue of Community Certificate Act No.16 of 1993 and rules issued there under and submitted the following grounds in support of his claim vide reference 2<sup>nd</sup> read above.

1. The RDO, Visakhapatnam who has reported negatively to the Collector, Visakhapatnam, the Sub-Committee appointed by the Chairman – DLSC, DRO and the Members DLSC and the Government Pleader together have prepared their marks prejudiciously and with malafide intention and strong determination of canceling his Beda Jangam SC caste certificate. The reasons they have stated are quite incorrect, unreasonable, illegal and contrary to the Law and violation of Fundamental Rights / Natural Justice guaranteed under Articles 14, 17 and 21 of Constitution of Union of India.
2. The proof is that, how they have violated the Natural Justice and Human Rights, some of the following examples; submitted for perusal of the Collector and District Magistrate, Visakhapatnam.
  - a. The facts and truths submitted by him during enquiry have been not reflected in their reports.
  - b. Only ambiguous statements elevated in their reports.
  - c. They have no neutralism in their mind about the documentary evidence submitted by him.
  - d. They have only determined to cancel his caste certificate some how or other.
  - e. They have suppressed all the documentary evidence which supports his caste claimed.

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- f. They have not followed the directions of the Hon'ble High Court of A.P.
- g. They have not at all mentioned the following very important and vital documents knowingly to mislead the Collector.
  - Circulars of the then Collector, Visakhapatnam addressed to the RDOs and MROs in the Visakhapatnam District.  
(M) Rc.No.754/2001/C5, dated: 12-12-2001,  
(M) Rc.No.754/2001/C5,dated:23-5-2002 and  
(M) Rc.No.754/2001/C5,dated:6-11-2002
  - The confirmation report of the then RDO, Visakhapatnam vide letter No.Rc.No.481/200/RCPI,dated:11-4-2000.
  - Presidential Orders of SCs Amendment Order Act 108 of 1976.
  - Memo No.SP8/J1/97-1, Govt. of A.P, Social Welfare Department, dated: 30-04-1997.
  - dated: 30-4-1997 The A.P. State Government and Commissioner of SW Department letters and Orders issued on Beda Jangam SC caste prior to Act 61 of 2002, addressed to the Collector as well as to him.
- h. They have mentioned the unreasonable and illegal act of Social Discrimination.
- i. They have given the least respect to the Citizens of Union of India who have given their valuable documentary evidence stating that his family is following all the Beda Jangam SC caste traditions and Customs as per High Court guidelines.
- j. They did not consider the declarations given by the village elders and village magistrates of native place.

3. If the Collector feels that there is no Beda Jangam Caste in A.P. particularly in Visakhapatnam District, the Collector has to explain the reasons on which the former Collector, Visakhapatnam issued instructions to the RDOs and MROs in the District for issue of Beda Jangam SC caste certificates. The Collector also has to give explanation, how the former Collector, Visakhapatnam confirmed the two families of Beda Jangam as SC earlier.

4. It is also submitted to the SLSC that one Sri Penuganti Sambamurthy Devara filed a “ petition under Article 226 of the Constitution of India in High Court of A.P. praying that in the circumstances stated in the affidavit, the High Court will be declared the action of the respondents (RDO, Peddapuram, East Godavari District and the Collector, East Godavari District) in not issuing caste certificate of Beda Jangam (SC Community) as arbitrary, illegal, contrary to Law and in violation of Article 21 of the Constitution of India and consequently direct the respondent to issue Beda Jangam (SC Community) certificate after thorough enquiry”.

3. The Government have admitted the appeal petition and requested the District Collector, Visakhapatnam to furnish parawise remarks and connected records on the said appeal petition vide reference 3<sup>rd</sup> read above.

4. In the reference 4<sup>th</sup> read above, the District Collector, Visakhapatnam has furnished parawise remarks and connected records on the appeal petition filed by Sri Srungarapu Krishna Mohana Rao. The Parawise remarks are as follows:

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- a. The Director, of Naval Science & Technological Laboratory (NSTL), Government of India, Ministry of Defence (Defence Research & Development Organization), Visakhapatnam has sent a requisition to verify the caste of Sri Srungarapu Krishna Mohana Rao an employee of their organization who is requesting NSTL authorities to record his caste entry as Beda Jangam (SC) in his service Register, so as to get benefits available to SC Community on the strength of the Beda Jangam (SC) Certificate obtained in his favour from the RDO, Visakhapatnam dated: 09.06.1999. Sri Srungarapu Krishna Mohana Rao has joined their Organization, as Senior Chargeman on 29-01-1983 and that, at the time of appointment, his selection was against vacancy reserved for general candidate and also stated that, as per records at any stage he did not mention his caste and never declared that he belongs to SC Community. Later, the individual has produced Beda Jangam (SC) certificate issued by the RDO, Visakhapatnam, to their organization for recording the relevant entry in his Service Records.
- b. On receipt of the requisition from NSTL Authorities, the RDO, Visakhapatnam was requested to enquire in to the Caste of the said individual and to submit a report for taking further action. The RDO, Visakhapatnam has conducted discrete enquiry into the caste status of Sri Srungarapu Krishna Mohana Rao by obtaining necessary report from MRO, Visakhapatnam (Urban) stating that the individual has obtained "JANGAM" BC-A, caste certificate, issued by the Tahsildar, Visakhapatnam vide Rc.No.1501/81/A4 dated:21-10-1981 and finally concluded that after considering all ingredients of the enquiry that, Sri Srungarapu Krishna Mohana Rao cannot be considered as belonging to "Beda Jangam" Scheduled Caste Community and he belongs to "Jangam" caste which is included in the list of BC-A group as per the certificate issued by the Tahsildar, Visakhapatnam in the year 1981.
- c. After receipt of the report of the RDO, Visakhapatnam the matter was referred to DLSC as per Rule 9 (1) of A.P (SCs STs & BCs) Regulation of Issue of Community, Nativity and Date of Birth Certificates, Rules 1997 (G.O.Ms.No.58, S.W (J) Department, dated,12-05-1997)
- d. Accordingly, the District level Scrutiny Committee headed by the Joint Collector, Visakhapatnam has conducted enquiry by issuing notices to the petitioner by following the due procedure in accordance with principles of natural justice. After hearing the individual and after examining the documents filed by the petitioner and objections raised by the petitioner against the report of the RDO, Visakhapatnam, the Chairman, DLSC, Visakhapatnam has instructed the committee member viz., Dy. Director (SW), along with Executive Director, SC Corporation, Visakhapatnam to visit the area (residing place of the individual) and find out the exact traditions which are being followed by the individual. After visiting and enquiring in the area, the Sub-committee have submitted a report and also after obtaining remarks of the DRO, Visakhapatnam (one of the Committee members) and also after obtaining the opinion of the Govt. Pleader, and also keeping in view the instruction issued as per Act 61 of 2002 and also after examining various judgments of Hon'ble High Court (which were referred to by the petitioner during the course of enquiry) the DLSC has finally reported to the Collector, Visakhapatnam that, the claim of the individual Sri Srungarapu Krishna Rao as belonging to SC Beda Jangam Caste cannot be accepted and that the certificate issued by the RDO, Visakhapatnam, Dated: 6.9.1999 is liable to be cancelled.
- e. After receiving the report from the DLSC, Visakhapatnam and in pursuance of the provisions laid down under Section 5 of AP (SCs, STs, & BCs) Regulation of Issue of Community certificates Act 1993, a Show-cause Notice was issued to Sri S.Krishna Mohana Rao with a direction to submit his explanation as to why his SC (Beda Jangam) certificate issued by the RDO, Visakhapatnam, Dt 9.6.1999 should not be cancelled as per the findings of the DLSC.

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f. In response to the show cause notice, the individual has submitted his explanation along with number of objections on the enquiries conducted by the RDO, Visakhapatnam, Sub Committee members and on the remarks of the DRO (one of the DLSC members) and also on the opinion of the Govt. Pleader and also on the final findings of the DLSC (all most all the same objections were raised by the petitioner before the Government in the present appeal without any new aspect/point).

5. The case was taken up for final hearing on 18-08-2010, the appellant was present and submitted his written arguments.

6. After examination of the written arguments submitted by the appellant, proceedings dated: 30-12-2008 of the District Collector, Visakhapatnam and material available with the Government, it is observed that the appellant does not belongs to Beda/Budaga Jangam(Scheduled Caste) Community but belongs to Jangam (B.C-A) Community.

7. The Government, after careful examination of the matter and in exercise of the powers conferred u/s 7 of the Act No.16 of 1993, observed that the appeal petition filed by Sri Srungarapu Krishna Mohana Rao, does not deserve any interference. Hence the Proceedings of the District Collector, Visakhapatnam issued vide R.Dis.No.194/2000/C5, dated: 30-12-2008 are up held and the appeal of Sri Srungarapu Krishna Mohana Rao is hereby rejected.

8. The District Collector, Visakhapatnam shall take necessary action in the matter.

9 The records furnished by the District Collector, Visakhapatnam vide reference 4<sup>th</sup> read above (containing pages 1-516 c.f and pages 1-74 n.f) are returned herewith and he is requested to acknowledge the receipt of the same at an early date.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**J.RAYMOND PETER  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The District Collector,  
Visakhapatnam (w.e)  
Sri S. Krishna Mohana Rao,  
D.No. 58-11-148, Second Floor,  
Old Karasa, NAD (P.O)  
Visakhapatnam -530 009.

**Copy to:**

The Director, NSTL, Visakhapatnam.  
The Commissioner of Social Welfare, A.P., Hyderabad.  
P.S to M (SW),  
P.S to Pri.Secy (SW)  
SF/SC.

**//Forwarded: by Order//**

**Section Officer**